

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appellant: Craig C. MATEER
Title: SYSTEM AND METHOD FOR REMOTE
PASSENGER AND BAGGAGE CHECK-IN
Appl. No.: 10/689,873
Filing Date: 10/21/2003
Examiner: Khoi H. Tran
Art Unit: 3651
Confirmation Number: 3347

BRIEF ON APPEAL

Mall Stop Appeal Brief - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Tran:

Under the provisions of 37 C.F.R. § 41.37, this Appeal Brief is being filed in response to the final Office Action dated September 1, 2006, finally rejecting Claims 21-31 and 33-40 of the above-referenced patent application (Application). This Appeal Brief is being filed together with a credit card payment form in the amount of \$250.00 covering the 37 C.F.R. 41.20(b)(2) appeal fee for a small entity. If this fee is deemed to be insufficient, authorization is hereby given to charge any deficiency (or credit any balance) to the undersigned deposit account 50-2350.

Appellant respectfully requests reconsideration of the Application.

REAL PARTY IN INTEREST

The real party in interest is Craig C. Mateer, having a residence at 4932 Oak Island Road, Orlando, Florida, 32809.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences that will directly affect, be directly affected by, or have a bearing on the present appeal, that are known to Appellant or Appellant's patent representative.

STATUS OF CLAIMS

The present appeal is directed to Claims 21-31 and 33-40, all of which stand rejected pursuant to a Final Office Action dated September 1, 2006. Claims 21-31 and 33-40 are being appealed. Claims 1-40 with the appropriate status reference are shown in the attached Claims Appendix.

STATUS OF AMENDMENTS

Claims 21-31 and 33-40 were pending in the Application when a Final Office Action dated September 1, 2006, was issued. No amendments have been made in the present Application subsequent to receipt of the final Office Action dated September 1, 2006. A Notice of Appeal was filed on November 1, 2006, and received by the PTO on November 7, 2006.

SUMMARY OF CLAIMED SUBJECT MATTER

Three independent claims, Claims 21, 29, and 33, are under appeal. Claim 21 is directed to a method for managing the transportation of baggage for passengers of a common carrier. The method includes the operations of providing a baggage transportation service at a remote property (para. [0023], FIG. 3) and of providing an outsourcing arrangement for an employee at the remote property to perform both a first service associated with the baggage transportation service and a second service associated with an operation at the remote property

(para. [0028], FIG. 3). The remote property is remote from a transportation center. The second service is distinct from the first service. The baggage transportation service includes receiving travel information for a passenger at the remote property via a communications network (para. [0025], block 26, FIG. 1). The travel information includes departure information for a departure from the transportation center (para. [0025], block 24, FIG. 1). The baggage transportation service further includes producing identification including the received departure information for baggage of the passenger (para. [0025], block 29, FIG. 1) and transporting the baggage to the transportation center (para. [0027], FIG. 2).

Claim 29 is directed to a computer-based baggage transportation system. The computer-based baggage transportation system includes a server computer (102, para. [0030], FIG. 4), a client computer coupled via a network to the server computer (106 and/or 108, para. [0030], FIG. 4), and a baggage pick-up facility (para. [0028]). The server computer includes travel information for a plurality of common carriers (para. [0028]). The client computer is configured to check in baggage and passengers from a property that is remote from a common carrier departure location (para. [0030]-[0032]). The baggage pick-up facility is at the remote property for performing a baggage transportation service (para. [0030]). Associated with the baggage transportation service is an outsourcing arrangement for an employee at the remote property to perform both a first service associated with the baggage transportation service and a second service associated with an operation at the remote property, the second service distinct from the first (paras. [0028], [0036], FIG. 3).

Claim 33 is directed to a remote baggage and passenger check-in system. The remote baggage and passenger check-in system includes obtaining passenger identification information for a passenger (block 23, paras. [0023], [0032], FIG. 1); using the passenger identification information, retrieving travel information for the passenger from a server computer (para. [0025], block 27, FIG. 1); printing a boarding pass for the passenger based on the

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retrieved travel information (para. [0025], block 28, FIG. 1); printing a baggage identification label for passenger baggage at a property remote from a common carrier departure location (para. [0025], block 29, FIG. 1); obtaining possession of the passenger baggage from the passenger at the remote property to conduct a baggage transportation service (paras. [0026], [0032], block 32, FIGs. 1-2), wherein associated with the baggage transportation service is an outsourcing arrangement for an employee at the remote property to perform both a first service associated with the baggage transportation service and a second service associated with an operation at the remote property, the second service distinct from the first service (paras. [0028], [0036], FIG. 3); securely transporting the passenger baggage from the remote property to the common carrier departure location (para. [0027], blocks 50-58, FIG. 2); and transferring possession of the passenger baggage to the common carrier (para. [0027], block 59, FIG. 2).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Two grounds of rejection are presented in this appeal: Claims 21-23 and 26-31 were finally rejected under 35 U.S.C. 102(b) as being anticipated by Purnell and Quackenbush, Design and Develop Airport Security Systems and Related Applications (Purnell et al.). Claims 24 and 33-40 were finally rejected under 35 U.S.C. 103(a) as being unpatentable over Purnell et al.

ARGUMENT

I. LEGAL STANDARDS

A. Standard under 35 U.S.C. 102(b)

35 U.S.C. § 102(b) provides that "a person shall be entitled to a patent unless ... the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States."

Because there are many ways in which a reference may be disseminated to the interested public, "public accessibility" has been called the touchstone in determining whether a reference constitutes a "printed publication" bar under 35 U.S.C. § 102(b). The proponent of the publication bar must show that prior to the critical date the reference was sufficiently accessible, at least to the public interested in the art, so that such a one by examining the reference could make the claimed invention without further research or experimentation.

In re Hall, 781 F.2d 897, 898-99, 228 U.S.P.Q. 453, 455 (Fed. Cir. 1986) (citations omitted).

A prior art reference, as defined by 35 U.S.C. 102, is said to "anticipate" a claimed invention if each and every element of the claimed invention is disclosed, either expressly or inherently, in the prior art reference. *In re Spada*, 911 F.2d 705, 708, 15 U.S.P.Q.2d 1655, 1657 (Fed. Cir. 1990). In deciding the issue of anticipation, one must identify the elements of the claims, determine their meaning in light of the specification and prosecution history, and identify corresponding elements disclosed in the allegedly anticipating reference. *Lindemann Maschinenfabrik v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458, 221 U.S.P.Q. 481, 485-86 (Fed. Cir. 1984).

The Federal Circuit explained the requirements for anticipation in *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983), by stating:

The law of anticipation does not require that the reference "teach" what the subject patent teaches. Assuming that a reference is properly "prior art," it is only necessary that the claims under

attack, as construed by the court, "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it.

Id. at 772, 218 U.S.P.Q. at 789.

Extrinsic evidence from those skilled in the art can be used to explain, but not to expand the meaning of a disclosed element in that single prior art reference, to determine whether the reference anticipates the claims at issue. *In re Baxter Travenol Labs.*, 952 F.2d 388, 21 U.S.P.Q.2d 1281 (Fed. Cir. 1991).

B. Standard under 35 U.S.C. 103(a)

35 U.S.C. 103(a) states:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The legal standards under 35 U.S.C. 103(a) are well-settled. Obviousness under 35 U.S.C. 103(a) involves four factual inquiries: (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. See *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of obviousness based upon the prior art. *In re Piasecki*, 745 F.2d 1468, 1471-72 (Fed. Cir. 1984). To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. The teaching or suggestion to make the

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claimed combination and the reasonable expectation of success both must be found in the prior art, not in Appellant's disclosure. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

II. REJECTION OF CLAIMS 21-23 and 26-31 UNDER 35 U.S.C. 102(b)

On Page 2 of the Office Action dated September 1, 2006, the Examiner rejected Claims 21-23 and 26-31 under 35 U.S.C. 102(b) as anticipated by Purnell and Quackenbush, Design and Develop Airport Security Systems and Related Applications (Purnell et al.). For the reasons given below, the Appellant submits that the Examiner's rejection of Claims 21-23 and 26-31 is improper and should be reversed.

A. The Examiner's Rejection of Claims 21-23 and 26-31 Under 35 U.S.C. 102(b) Should Be Reversed Because the Reference Does Not Qualify as Prior Art Under 35 U.S.C. 102(b)

Purnell et al. is not prior art under the provisions of 35 U.S.C. 102(b) for at least two reasons. First, on its face, Purnell et al. has a date of April 24, 2001; however, a declaration was provided by Steven Quackenbush, a co-author of Purnell et al. and an Applicant of U.S. Patent No. 7,079,921, to the Examiner (see Evidence Appendix) in which this date is corrected. In the declaration, Mr. Quackenbush states that "[t]he actual year in which the Purnell reference was submitted is 2002 rather than 2001." Thus, the actual date of the Purnell et al. was known to the Examiner as April 24, 2002. April 24, 2002 is less than one year prior to the earliest priority date of the present application, which is October 21, 2002. Prior art under 35 U.S.C. § 102(b) must be "more than one year prior to the date of the application for patent." Therefore, Purnell et al. is not prior art under the provisions of 35 U.S.C. 102(b).

Second, Purnell et al. does not qualify as a printed publication under the provisions of 35 U.S.C. 102. According to the declaration of Mr. Quackenbush, Purnell et al. "describes a proposal submitted to the Florida Department of Transportation." As a submission to the Florida Department of Transportation, Purnell et al. provides no indication that it was

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published within the meaning of 35 U.S.C. 102. First, proposals are maintained confidential until at least award of a contract and sometimes for a period thereafter. Second, there is no evidence that Purnell et al. was available to the public or that the proposal was indexed, catalogued, or otherwise classified for ready accessibility to persons outside the Florida Department of Transportation. No publication information is provided in the Information Disclosure Statement (IDS) mailed July 22, 2005, by the Applicants of U.S. Patent No. 7,079,921 beyond the title, authors, date, and number of pages which are available from the face of Purnell et al. (see Evidence Appendix). As such, Purnell et al. is not a printed publication within the meaning of 35 U.S.C. 102.

The Examiner became aware of Purnell et al. during prosecution of U.S. Patent No. 7,079,921, when the reference was submitted with the IDS, by the Applicants of U.S. Patent No. 7,079,921. An Applicant of U.S. Patent No. 7,079,921 was a co-author of Purnell et al. and was thus aware of the document. The Examiner first identified Purnell et al. to Appellant in an Office Action mailed November 10, 2005, and first rejected the claims of the Application based on Purnell et al. in an Office Action mailed April 28, 2006. However, the mere fact that the Examiner obtained a copy of Purnell et al. from an author during prosecution of U.S. Patent No. 7,079,921 is not conclusive that Purnell et al. was sufficiently accessible, at least to the public interested in the art, to constitute a printed publication. "Mere probability that it was available to the public does not constitute a proper ground for refusing appellants a patent." *Ex parte Deaton and Kirkland*, 146 U.S.P.Q. 549, 551 (Pat. Off. Bd. App. 1965). Thus, no documentation or evidence relative to the availability of Purnell et al. to the public has been provided. "The proponent of the publication bar must show that prior to the critical date the reference was sufficiently accessible, at least to the public interested in the art," *In re Hall*, 781 F.2d 897, 899, 228 U.S.P.Q. 453, 455 (Fed. Cir. 1986) (citations omitted). As such, Appellant respectfully requests withdrawal of the rejection.

B. The Examiner's Rejection of Claims 21-23 and 26-31 Under 35 U.S.C 102(b) Should Be Reversed Because the Reference Does Not Teach or Suggest All Claim Limitations

To anticipate a claimed invention, each and every element of the claimed invention must be disclosed, either expressly or inherently, in the prior art reference. *In re Spada*, 911 F.2d 705, 708, 15 U.S.P.Q.2d 1655, 1657 (Fed. Cir. 1990). Appellant respectfully submits that Pumell et al. fails to suggest, teach, or disclose all of the recited claim elements of claims 21-23 and 26-31.

Claim 21 recites, with emphasis added through underlining:

providing an outsourcing arrangement for an employee at the remote property to perform both a first service associated with the baggage transportation service and a second service associated with an operation at the remote property, the second service distinct from the first service.

Claim 29 recites, with emphasis added through underlining:

wherein associated with the baggage transportation service is an outsourcing arrangement for an employee at the remote property to perform both a first service associated with the baggage transportation service and a second service associated with an operation at the remote property, the second service distinct from the first.

On page 3 of the Office Action dated 9/1/2006, the Examiner states:

When the passenger is biometrically verified by the employee handling the baggage, security service is rendered. When any traveling directions are given to the passenger by the employee handling the baggage, concierge service is rendered. When any services outside the scope of transporting the baggage are provided by the employee handling the baggage, valet services are rendered.

Appellant respectfully disagrees. Pumell et al. states that "[e]ach passenger will be biometrically authenticated when checking bags. Baggage claim tickets will be printed out and scanned in the presence of the passenger to evidence receipt of the passenger's bags." (Page 2, Pumell et al., emphasis added through underlining). Thus, a security service is rendered. However, the security service rendered is "associated with the baggage transportation service"

and not with "a second service associated with an operation at the remote property," as required by Claims 21 and 29. Therefore, no security service associated with an operation at the remote property is disclosed, taught, or suggested by Purnell et al. Additionally, no concierge service or valet service is disclosed, taught, or suggested by Purnell et al. Such statements by the Examiner are mere conjecture on the part of the Examiner with no basis whatsoever in Purnell et al. Such conjecture is wholly insufficient to support a rejection under 35 U.S.C. 102(b).

Therefore, Purnell et al. fails to disclose, suggest, or teach all of the limitations of Claims 21 and 29. A rejection under 35 U.S.C. 102(b) cannot be properly maintained where the reference used in the rejection does not disclose all of the recited claim elements. Claims 22-28 and 30-31 depend from Claims 21 and 29, respectively. Therefore, Appellant respectfully requests withdrawal of the rejection.

III. REJECTION OF CLAIMS 24 and 33-40 UNDER 35 U.S.C. 103(a)

On page 3 of the Office Action, Claims 24 and 33-40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Purnell et al. For the reasons given below, the Appellant submits that the Examiner's rejection of Claims 24 and 33-40 is improper and should be reversed.

A. The Examiner's Rejection of Claims 24 and 33-40 Under 35 U.S.C. 103(a) Should Be Reversed Because the Reference Does Not Qualify as Prior Art Under 35 U.S.C. 102

As discussed in Section II.A. above, Purnell et al. is not properly a prior art reference under 35 U.S.C. 102. Thus, for at least this reason, Appellant respectfully requests withdrawal of the rejection.

B. The Examiner's Rejection of Claims 24 and 33-40 Under 35 U.S.C. 103(a) Should be Reversed Because the Reference Does Not Teach or Suggest All Claim Limitations

As discussed in Section II.B. above, Purnell et al. fails to teach at least the limitation "an outsourcing arrangement for an employee at the remote property to perform both a first service associated with the baggage transportation service and a second service associated

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with an operation at the remote property" as required by Claims 21 and 33. Claim 24 depends from claim 21. Claims 34-40 depend from Claim 33. Thus, for at least this reason, Appellant respectfully requests withdrawal of the rejection.

Appellant further respectfully submits that Purnell et al. fails to suggest, teach, or disclose additional claim elements of Claims 24 and 33-40.

Claim 24, which depends from Claim 21, recites:

wherein registering the passenger comprises providing a boarding pass for the passenger.

Claim 33 recites:

printing a boarding pass for the passenger based on the retrieved travel information;

Purnell et al. fails to teach at least the limitations of providing and of printing "a boarding pass for the passenger" as required by Claims 24 and 33, respectively.

On pages 3-4 of the Office Action dated 9/1/2006, the Examiner states:

Purnell et al. ... is silent as to the specifics of printing a boarding pass for the passenger. Nevertheless, it is at least obvious and commonly well known that in order for a passenger to board a commercial aircraft, boarding ticket must be [sic] provided to the passenger. Hence, it is obvious that Purnell et al. would include printing a boarding pass for the passenger.

Appellant agrees that it is well known that in order for a passenger to board a commercial aircraft, a boarding ticket must be provided to the passenger. However, this fact in no way implies that the system of Purnell et al. provides or prints "a boarding pass for the passenger." To the contrary, Purnell et al. states:

The baggage handling system will effectively separate the passenger's baggage from the passenger prior to the check-in process. As a result, passengers will arrive at the airport for their scheduled flight unencumbered by their baggage or the need to check such bags.

(Page 2, Purnell et al., emphasis added through underlining). Thus, Purnell et al. teaches separating baggage from the passenger prior to check-in. However, Purnell et al.

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nowhere teaches that check-in at the airport is not required. Purnell et al. also nowhere teaches that check-in as part of the baggage handling system is performed. Furthermore, a different printing device is required to print a boarding pass than to print baggage claim tickets. Because the system taught by Purnell et al. travels to the passenger at "the passenger's home, place of business or hotel room" (page 2, Purnell et al.), an additional printer for a boarding pass is required which significantly increases the system complexity, size, and cost. Purnell et al. fails to contemplate such a system modification because the focus of Purnell et al. is on a baggage handling system and not on a remote check-in system.

Therefore, Purnell et al. fails to disclose, suggest, or teach all of the limitations of Claims 24 and 33. A rejection under 35 U.S.C. 103(a) cannot be properly maintained where the reference used in the rejection does not disclose all of the recited claim elements. Claims 34-40 depend from Claim 33. Therefore, Appellant respectfully requests withdrawal of the rejection.

CONCLUSION

In view of the foregoing discussion and arguments, Appellant respectfully submits that Claims 21-23 and 26-31 are not properly rejected under 35 U.S.C. 102(b) as being anticipated by Purnell et al. Appellant also respectfully submits that Claims 24 and 33-40 are not properly rejected under 35 U.S.C. 103(a) as being unpatentable over Purnell et al. Accordingly, Appellant respectfully requests that the Board reverse all claim rejections and indicate that a Notice of Allowance respecting all pending claims should be issued.

Respectfully submitted,

Date January 5, 2007

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By

A handwritten signature in cursive script, appearing to read "Callie M. Bell", written over a horizontal line.

Callie M. Bell
Attorney for Appellant
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CLAIMS APPENDIX

1.-20. (Canceled)

21. (Previously Presented) A method for managing the transportation of baggage for passengers of a common carrier, the method comprising:

providing a baggage transportation service at a remote property, the remote property being remote from a transportation center, the baggage transportation service including

receiving travel information for a passenger at the remote property via a communications network, the travel information including departure information for a departure from the transportation center;

producing identification including the received departure information for baggage of the passenger, the baggage to be transported to the transportation center; and

transporting the baggage to the transportation center; and

providing an outsourcing arrangement for an employee at the remote property to perform both a first service associated with the baggage transportation service and a second service associated with an operation at the remote property, the second service distinct from the first service.

22. (Original) The method of claim 21, wherein receiving travel information for a passenger via a communications network comprises accessing a remote server from a kiosk.

23. (Previously Presented) The method of claim 21, wherein the baggage transportation service further includes registering the passenger for the travel based on the received travel information.

24. (Previously Presented) The method of claim 23, wherein registering the passenger comprises providing a boarding pass for the passenger.

25. (Original) The method of claim 21, wherein producing identification for baggage of the passenger comprises providing baggage identification labels including an identification bar code.

26. (Original) The method of claim 21, wherein receiving travel information for a passenger at the remote property via a communications network comprises accessing travel information from a server via an interface common to a plurality of common carriers.

27. (Previously Presented) The method of claim 21, wherein the second service is selected from the group consisting of a bellhop service, a valet service, and a parking garage service.

28. (Previously Presented) The method of claim 21, wherein the second service is selected from the group consisting of a concierge service, a check-out service, a security service, or a room service.

29. (Previously Presented) A computer-based baggage transportation system comprising:

a server computer including travel information for a plurality of common carriers;

a client computer coupled via a network to the server computer, the client computer being configured to check in baggage and passengers from a property that is remote from a common carrier departure location; and

a baggage pick-up facility at the remote property for performing a baggage transportation service, wherein associated with the baggage transportation service is an outsourcing arrangement for an employee at the remote property to perform both a first service associated with the baggage transportation service and a second service associated with an operation at the remote property, the second service distinct from the first.

30. (Previously Presented) The system of claim 29, wherein the property is a hotel and the second service is selected from the group consisting of a bellhop service, a valet service, and a parking garage services.

31. (Original) The system of claim 29, wherein the client computer is part of a kiosk.

32. (Canceled)

33. (Previously Presented) In a remote baggage and passenger check-in system, a method comprising:

(a) obtaining passenger identification information for a passenger;

(b) using the passenger identification information, retrieving travel information for the passenger from a server computer;

(c) printing a boarding pass for the passenger based on the retrieved travel information;

(d) printing a baggage identification label for passenger baggage at a property remote from a common carrier departure location;

(e) obtaining possession of the passenger baggage from the passenger at the remote property to conduct a baggage transportation service, wherein associated with the baggage transportation service is an outsourcing arrangement for an employee at the remote property to perform both a first service associated with the baggage transportation service and a second service associated with an operation at the remote property, the second service distinct from the first service;

(f) securely transporting the passenger baggage from the remote property to the common carrier departure location; and

(g) transferring possession of the passenger baggage to the common carrier.

34. (Original) The method of claim 33, wherein operations (a), (b), (c), and (d) are performed at a kiosk.
35. (Original) The method of claim 33, wherein retrieving travel information for the passenger from a server computer comprises accessing travel information using common use terminal equipment.
36. (Original) The method of claim 33, further comprising accessing a server to register a passenger and obtain a boarding pass.
37. (Original) The method of claim 33, wherein the retrieved travel information includes information on an airline flight, wherein the airline flight is schedule to depart the common carrier departure location less than twelve hours from when the passenger transfers possession of the passenger baggage as part of the baggage transportation service at the remote property.
38. (Original) The method of claim 33, further comprising presenting a user interface configured to provide access to common carrier information for a plurality of common carriers.
39. (Previously Presented) The method of claim 33, wherein the second service is selected from the group consisting of a bellhop service, a valet service, and a parking garage service.
40. (Previously Presented) The method of claim 33, wherein the second service is selected from the group consisting of a concierge service, a check-out service, a security service, or a room service.

EVIDENCE APPENDIX

Appellants submit a declaration filed under 37 C.F.R. § 1.132 and signed by Steven Quackenbush, a co-author of Purnell et al. and an Applicant of U.S. Patent Application Serial No. 10/968,782 (now U.S. Patent No. 7,079,921). The declaration was signed by Steven Quackenbush on September 26, 2005. The declaration was presented during prosecution of U.S. Patent No. 7,079,921 by the Applicants of U.S. Patent No. 7,079,921 in a response to an Office Action mailed November 9, 2005. This evidence was entered in the record and considered by the Examiner relative to U.S. Patent No. 7,079,921. Appellants also submit the Information Disclosure Statement mailed July 22, 2005, by the Applicants of U.S. Patent No. 7,079,921, which included Purnell et al.



Express Mail No. EV 452 772 933 US

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Quackenbush et al.

Confirmation No.: 3931

Serial No.: 10/968,782

Art Unit: 3651

Filed: October 19, 2004

Examiner: Khoi H. Tran

For: BAGGAGE
TRANSPORTATION
SECURITY SYSTEM AND
METHOD

Attorney Docket No.: 10515-011-999

RESPONSE UNDER 37 C.F.R. § 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request consideration of the accompanying affidavit under 37 C.F.R. § 1.132 in view of the REMARKS herein.

Pending Claims are listed beginning on page 2 of this paper.

Remarks begin on page 4 of this paper.

REMARKS

Applicants thank Examiner Tran for recognizing that claims 36-42 and 49-52 are allowable.

However, the Office Action, mailed on October 14, 2005, has rejected claims 43-48 under either 35 U.S.C. §§ 102(e) and/or 103(a). All of the rejections rely upon treating the article by John Purnell and Steve Quackenbush (the Purnell Reference) as prior art to this application. The Purnell reference is a proposal submitted by one of the inventors of this application (Steve Quackenbush) and Mr. John Purnell to the Florida Department of Transportation ("FDOT"). The Purnell Reference was provided to the Patent Office by the Applicants.

Because the Purnell Reference is not a patent publication, it does not qualify as prior art under 35 U.S.C. § 102(e). Accordingly, rejections of claims 43-48 based on treating the Purnell Reference as prior art under 35 U.S.C. § 102(e) must be withdrawn.

The Office Action has rejected claims 43-48 as being obvious over the Purnell Reference alone. However, because the Purnell reference is not prior art, rejections of claims 43-48 based under 35 U.S.C. § 103(a) must be withdrawn.

The Purnell Reference does not qualify as prior art, because (i) it was actually submitted with the possibility of public disclosure within a year of the filing of a parent application of the above-captioned application; (ii) there is no indication that it is a publication; and (iii) it describes the work of the inventors themselves.

The Purnell Reference has a readily detected error in its date of submission to FDOT of April 24, 2001 on its first page. Applicants did not notice this error when they brought the reference to the attention of the Patent Office. However, another review of the Purnell Reference revealed that the date of submission to FDOT in the Purnell Reference is inconsistent with the content of the Purnell Reference. This error is easily detected by the Purnell reference's repeated references to TSA, the Transportation Security Administration. TSA did not even exist on April 24, 2001, the date of submission to FDOT provided in the Purnell Reference. Indeed, TSA, created by an Act of Congress signed into law by President Bush on November 19, 2001, did not begin operations until February of 2002.

The accompanying affidavit, originally submitted in the co-pending patent application bearing the serial number 10/968,763, by Mr. Steve Quackenbush ("the Quackenbush Affidavit"), who is one of the co-authors of the Purnell Reference, and a co-inventor in the

present application identifies the correct date for the submission of the Purnell Reference to FDOT to be during 2002 rather than 2001. This affidavit is no less applicable for establishing the facts in this application.

The information in the Purnell Reference about baggage handling is derived from the baggage handling model proposed by BaggageDirect.com, the assignee of this application. The Purnell Reference itself acknowledges and makes clear this fact. Indeed, the baggage handling model of BaggageDirect.com is mentioned in the Purnell Reference as being the subject of a pending patent application.

The above-captioned patent application claims priority to the patent application acknowledged by the Purnell Reference as covering the baggage handling model discussed therein. The ultimate parent application of the above-captioned patent application is the only patent application directed to Baggage handling assigned to BaggageDirect.com that was pending at the time the Purnell Reference was prepared and submitted to FDOT. This application also names Mr. Quackenbush as an inventor. Accordingly, the acknowledgement confirms that the relevant disclosures in the Purnell reference are of the inventors' own efforts.

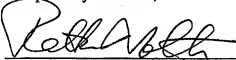
In view of the unavailability of the Purnell Reference as prior art, all of the rejections must be withdrawn.

Therefore, it is respectfully submitted that the present application is in condition for allowance. Favorable disposition is respectfully requested.

Please charge any required fees in connection with this response, as well as any other necessary fees due in connection with this Response, to JONES DAY Deposit Account 50-3013.

Date November 9, 2005

Respectfully submitted,



Rattan Nath

(Reg. No. 43,827)

JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Quackenbush, et al.

Confirmation No.: 3932

Serial No.: 10/968,783

Group Art Unit: 3651

Filed: October 19, 2004

Examiner: Tran, Khoi H

For: BAGGAGE TRANSPORTATION
SECURITY SYSTEM AND METHOD

Attorney Docket No.: 10515-010-999

DECLARATION UNDER 37 C.F.R. §1.132 BY MR. STEVEN QUACKENBUSH

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, STEVEN QUACKENBUSH, do solemnly and sincerely declare and state that:

I. Background

1. I am a co-inventor of the above-identified application and in several patent and patent applications assigned to BaggageDirect.com. I am a co-inventor in US Patent No. 6,512,964 ("the '964 patent"), for which an application was filed on September 20, 2000. I am also a co-inventor in US Patent No. 6,807,458 ("the '458 patent"), and in US Patent Application Nos. 10/968,782, and 11/081,053 in addition to the above-captioned patent application, each of which claims ultimate priority to the patent application that issued as the '964 patent. These patents and patent applications are collectively referred to herein as the 'Baggage Handling Patent Filings'.

2. I am the CEO of BaggageDirect.com, a company with an innovative and efficient model for transportation of baggage.

3. I have over twenty years of experience in the transportation and cargo handling sector. My *curriculum vitae* is attached.

4. I have read the USPTO Office Action dated August 10, 2005 ("the Office Action") concerning the above-captioned application. I have read and am familiar with the prior art cited in the Office Action including the proposal by Purnell et al. ("the Purnell Reference") bearing on its face a date for submission to the Florida Department of

Transportation ("FDOT") of April 24, 2001. The following remarks are provided in support of the patentability of the claimed invention.

5. I have personal knowledge of the facts underlying drafting and submission of the Purnell Reference.

6. I am a co-author, with John Purnell, of the Purnell Reference.

7. I collaborated with John Purnell, who was then also interested in ARINC, a company providing various wireless and other tracking technologies.

8. The Baggage Handling Patent Filings describe several embodiments providing for improvement over curb-side or airport-based baggage delivery or pickup services. BaggageDirect.com's model provides web-based baggage handling services, off-airport baggage pick-up and/or delivery coupled with secure handling of the baggage, issuance of documents, such as boarding passes, and security checks of baggage. The described arrangement of hardware, software and methods provides passengers with a superior travel experience while improving security.

9. BaggageDirect.com's business model was developed without Mr. John Purnell's contributions to its conception.

10. The business model adopted by BaggageDirect.com has proven to be successful unlike many past attempts at providing assistance with baggage handling.

11. I have made formal proposals to improve baggage handling at airports and other common carrier terminals in view of the heightened interest due to added security concerns. I have also given several presentations on improved secure baggage handling strategies that also improve passenger experience while traveling to various public and private entities engaged in the travel industry. These proposals and presentations typically relate to the disclosures of the above described patents and patent applications.

II. The Purnell Reference describes a proposal submitted to the Florida Department of Transportation during 2002 but due to a typographical error identifies the year '2001' in the date of submission.

12. The Purnell Reference describes one such proposal.

13. The Purnell Reference states that it was submitted to the Florida Department of Transportation ("FDOT") on April 24, 2001.

14. The Purnell Reference was actually submitted during 2002.

15. The evidence of an error in the date of submission is found in the Purnell Reference itself.

16. The term TSA in the Purnell Reference refers to the Transportation Security Administration.

17. Purnell Reference refers to TSA and a new Federal Transportation Security Agency.

18. The only such new Federal agency is the Transportation Security Administration, which is also known as TSA.

19. It is a matter of public record that TSA did not come into being until after the events of September 11, 2001. Attached as Schedule B is a description from the TSA website, as accessed on September 16, 2005 by my representative, Rattan Nath. The TSA website description in Schedule B discloses that (i) TSA came into being because of an Act of Congress signed by President Bush on November 19, 2001; and that (ii) TSA assumed responsibility for security at airports in February of 2002.

20. As a result, the Purnell Reference itself confirms that the date of submission of April 24, 2001 is incorrect because on April 24, 2001 TSA did not exist.

21. Therefore, the Purnell Reference itself provides incontrovertible evidence, independent of this affidavit, of an error in the date of submission to FDOT identified therein.

22. The earliest possible date for the submission of the Purnell Reference is in the year 2002, the first year during which TSA became operational.

23. Therefore, Purnell Reference was necessarily submitted to FDOT no earlier than 2002.

24. Purnell Reference was submitted to FDOT less than one year before the filing of US Patent Application No. 10/301,453 (on November 21, 2002), and after the filing of the US Patent Application No. 09/665,938 (on September 20, 2000), to which applications the above-captioned application claims priority.

III. The Purnell Reference acknowledges invention of the baggage handling model by BaggageDirect.com by the named inventors of Baggage Handling Patent Filings.

25. John Purnell is not a named inventor in any of Baggage Handling Patent Filings.

26. John Purnell represented ARINC in the development of the proposal described in the Purnell Reference.
27. The Purnell Reference uses terms, 'BD' and 'Baggage Direct' interchangeably. These terms refer to BaggageDirect.com.
28. The Purnell Reference itself distinguishes between the contributions of BaggageDirect.com and myself on one hand from the contributions of John Purnell and ARINC on the other hand.
29. The Purnell Reference notes under the heading 'METHODOLOGY' and subheading 'Baggage Tracking': "The 'BD model (patent pending) calls for the tracking of bags from pick-up through to delivery. At every touch point in the chain, the bag tags are scanned, with the resulting bag status message being relayed to ARINC's database."
30. The designation 'patent pending' in the Purnell Reference acknowledges the then pending US Patent Application No. 09/665,938 filed on September 20, 2000, the only pending patent application assigned to Baggage direct at that time, which application issued as the '964 patent on January 28, 2003.
31. The Purnell Reference clearly describes the underlying baggage handling model as that of BaggageDirect.com rather than ARINC.
32. The Purnell Reference acknowledges that the underlying innovative baggage handling model is being patented by BaggageDirect.com.
33. The Purnell Reference lists ARINC's proposed contributions, under the heading 'METHODOLOGY,' to be in implementing technical details of the BaggageDirect.com model including Internet booking, displays to a customer, wireless tracking, tagging and the like in addition to the database for implementation by ARINC. These technical features are also described in the context of baggage handling in the patent application (filed September 20, 2000) that issued as the '964 patent.
34. The Purnell Reference does not suggest any defects in the presumed inventorship in the Baggage Handling Patent Filings.
35. The portions of the Purnell Reference relied upon by the Office Action to reject the claims of the above-captioned application are derived from the contributions of the named inventors of the Baggage Handling Patent Filings.
36. I understand, based on the advice of my attorneys, that a publication is not considered to be applicable prior art if the publication reports the work of the inventor

himself and is made (i) less than one year prior to the filing of a patent application or (ii) after the filing of a patent application.

37. This affidavit does not admit or suggest that a submission of a proposal to the FDOT is made available to the public or published on the date of submission.

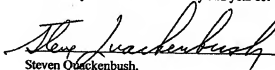
38. Even if the Purnell Application were to be considered to be published and/or made available to the public in 2002, the earliest possible year, it would be less than a year prior to the filing of US Patent Application No. 10/301,453 (on November 21, 2002).

38. In conclusion, the Purnell Reference does not qualify as prior art to any of the Baggage Handling Patent Filings because of the (i) a clearly erroneous date on the face of the Purnell Reference; (ii) it was filed less than one year before the filing of the patent application that issued as the '458 patent, (iii) confirmation by the Purnell Reference of the invention of the relevant subject matter by the named inventors of the Baggage Handling Patent Filings, (iv) the Purnell Reference was submitted after the filing of the patent application that issued as the '964 patent, and (v) the subject matter disclosed in the Purnell Reference relied upon for rejecting the pending claims of the above-captioned patent application is derived from and is the contribution of the inventors of the Baggage Handling Patent Filings.

39. I declare further that all statements made herein of my own knowledge are true and that all statements made are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal the day and year set opposite my signature.

Dated: Sept. 26, 2005

 L.S.
Steven Quackenbush,
Chief Executive Officer
BaggageDirect.com

Design and Develop Airport Security Systems and Related Applications

*Submitted on April 24th, 2001 by
John Funnell, ARINC and
Steve Quackenbush, Baggage Direct*

PURPOSE

ARINC and its business partner Baggage Direct can support the Aviation Office of the Florida Department of Transportation's initiatives regarding the Aviation Test Bed and Airport Security Systems by providing biometrically enabled off-airport check-in and offline baggage handling. These capabilities would be integrated into the Tallahassee Airport Operations Command Center.

In partnership with the Aviation Office and the new federal Transportation Security Agency, we will demonstrate that the Command Center can control a statewide baggage collection service that picks up luggage prior to departure and delivers to the passenger's hotel or residence.

This off-airport check-in service will provide the necessary additional time to allow the State's new airport security systems to

- Screen bags at off-peak periods thereby smoothing operational flow and increasing overall throughput of screening devices, thereby reducing the number of CTX machines required and related operating costs
- Screen bags in special facilities which do not occupy premium space in the passenger terminal
- Provide baggage screening results to the security checkpoint
- Integrate status of the bag and status of the passenger including 100% positive passenger bag matching (PPBM)
- Reduce the amount of time a passenger spends in the airport

REQUIREMENTS

The service will operate within a 50-mile radius of the airport for pick-up and delivery. The operation allows for the bags to be picked-up anywhere from 24 hours to 4 hours prior to flight time. All bags will be delivered to their drop point within 1 to 3 hours after landing (zone dependent). Below is a list of the requirements identified for the demonstration:

ARINC and Baggage Direct

- Obtain proof of ticket purchase and photo ID from all passengers
- Operate in full compliance with FDOT, airport, TSA and carrier security programs
- Scan bags at all touch points
- Know the location of all vans and bags at all times
- Maintain the security of every bag from pickup to aircraft and aircraft to delivery point

- Screen all passengers with standard security questions and provide results back to airline.
- System must allow for changes in passenger itinerary and bag status messaging
- System must allow for baggage track and trace ability
- Allow a process for bags to be held and inserted to screening facilities during low traffic periods
- Allow for the prioritization of baggage into the system as bags transfer from cold to warm to hot status as flight time approaches

FDOT/TSA:

- Approve ARINC and Baggage Direct to operate in TLH airport plus one additional commercial airport in Florida for example Miami, Orlando or Tampa
- Provide office and warehouse space within the FDOT Command Center
- Provide operational support and general airport coordination

AIRLINES:

- Strategic alliance agreement with participating airlines
- Establish interfaces for testing functionality
- Notification of all BD passenger itinerary changes
- Access to baggage arriving on inbound flights

METHODOLOGY

The baggage handling system will effectively separate the passenger's baggage from the passenger prior to the check-in process. As a result, passengers will arrive at the airport for their scheduled flight unencumbered by their baggage or the need to check such bags.

Utilizing strict control procedures, the passenger's bags will be picked up at a predetermined, conveniently scheduled and remote location up to 24 hours prior to the passengers scheduled flight time. Baggage will typically be picked-up from the passenger's home, place of business or hotel room. Bags will be delivered to a secured facility, or other airport authorized secured facility, via a courier van operation.

Each passenger will be biometrically authenticated when checking bags. Baggage claim tickets will be printed out and scanned in the presence of the passenger to evidence receipt of the passenger's bags. Bag tags will continue to be scanned at each touch point until safely turned over to the airline and boarded on the plane.

Bags will be screened by TSA personnel, stored and then interlined to the appropriate airline at flight time. All screening will be performed at off-peak travel hours and will assist the TSA staff in meeting the mandate of 100% baggage screening while increasing the utilization and operational efficiency of the EDS machines. With the bag in the airport environment in advance, there is optimal time to perform the screening process that complies with the TSA's new stringent security requirements. In the event that something is detected in the bag, (we

have biometric authentication of the owner and record of each person who has touched the bag), there is ample time to contact the passenger and arrange for them to be present at the physical search. Security will be heightened considerably, congestion at airports will be reduced and passengers can be handled more efficiently.

ARINC will provide a number of technological innovations in support of this program. These include:

- Internet booking of the service and bag status display for the customer
- Wireless GPS tracking of the vehicles over terrestrial and satellite networks
- Mobile common use workstations capable of checking in bags and passengers from the back of the pickup van
- Common Language Facility (CLF) for simplified and homogenous agent data interaction with multiple airlines
- Access to all of the major airline reservation and departure control systems
- RFID tagging of bags for positive scanning at touch points
- Operational database with system-wide situational awareness and detail to the bag

ARINC technology and BD operating procedures allow for adaptability to any Federal security requirement.

Baggage Tracking: The BD model (patent pending) calls for the tracking of bags from pick-up through to delivery. At every touch point in the chain, the bag tags are scanned, with the resulting bag status message being relayed to ARINC's database. This increases driver/handler accountability and provides an immediate check on a bag's position.

With FDOT's permission we recommend that the bag screening process take place on airport property. BD delivers the bags to TSA screening facilities. Once BD delivers the bags, TSA screens them and puts them into the airport sortation system. Alternatively, if EDS systems are in-line, bags would be entered into the sortation system prior to screening. Bags are loaded by carrier, flight and departure time. Baggage management speeds up handling time and assures a real-time reconciliation of passengers to bags.

Global Positioning: With GPS on every van, drivers location is known at all times. With pre-planned routes and schedules, drivers will never have the opportunity to stray from their designated route.

DELIVERABLES

- 1) Demonstrate a process where bags are picked up and delivered timely and efficiently
- 2) Demonstrate a process by which bags picked up can be held securely while awaiting off-peak scanning time
- 3) Demonstrate that the command center can know the geographic location of any bag at anytime
- 4) Provide reporting which quantitatively analyzes the performance of the service in terms of
 - a) passenger satisfaction survey
 - b) Handling time per bag including
 - i) pickup

- ii) delivery to airport
 - iii) screening, loading
 - iv) pickup at airport
 - v) delivery to customer
 - c) Daily baggage scanner throughput before and during the test
- 5) Provide a report which, based on the quantitative analysis of this test derives
- a) The probable market acceptance of the service over time
 - b) The capital avoidance of EDS machines and related capital investments and operating costs due to efficiencies of off-line operation
 - c) Recommendations for deployment of EDS machines in markets with off-airport baggage systems



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[What Others Are Saying About TSA](#)

[Major Initiatives](#)

[History of TSA](#)

About TSA

[Printable Version](#)

Who We Are

The Transportation Security Administration (TSA) was created in response to the terrorist attacks of September 11, 2001 as part of the Aviation and Transportation Security Act signed into law by President George W. Bush on November 19, 2001. TSA was originally in the [Department of Transportation](#) but was moved to the [Department of Homeland Security](#) in March 2003.



TSA's mission is to protect the nation's transportation systems by ensuring the freedom of movement for people and commerce. In February 2002, TSA assumed responsibility for security at the nation's airports and by the end of the year had deployed a federal work force to meet challenging Congressional deadlines for screening all passengers and baggage.

Structure and Organization

- [Mission, Vision and Values](#)
- [TSA Strategic Plan - Executive Summary](#) (PDF 989KB)
- [TSA Strategic Plan FY 2005-2009](#) (Word 1.8MB)
- [Organization Chart](#)
- [Leadership Biographies](#)
- [Pilots and Programs](#)

Reports and Publications

- [TSA Pledge to Travelers](#)
- [Transportation Security Regulations](#)
- [No FEAR Act](#)
- [Freedom of Information Act \(FOIA\)](#)
- [Fiscal Year 2006 Budget](#) (PPT 6 MB)

General Information

- [Careers](#)
- [Frequently Asked Questions \(FAQ\)](#)
- [Contact Us](#)
- [TSA Mailing Address](#)



7-25-05

IPU

Express Mail No. EV452775696US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Quackenbush et al. Confirmation No.: 3931
Serial No.: 10/968,782 Art Unit: 3651
Filed: October 19, 2004 Examiner: Khoi H. Tran
For: BAGGAGE TRANSPORTATION Attorney Docket No.: 10515-011-999
SECURITY SYSTEM AND
METHOD

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.
- 1b. A legible copy of:
- ☐ Each publication or that portion which caused it to be listed on the PTO-1449;
 - ☐ For each cited pending U.S. application filed before June 30, 2003, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
 - ☒ all other information or portion which caused it to be listed on the PTO-1449.
- 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
- 1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.
- 1e. ☐ Pursuant to 37 C.F.R. § 1.98(a)(2)(ii), copies of the cited U.S. patents and U.S. patent application publications are not submitted herewith.
2. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);

- ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- ☐ Before the mailing of the first Office action on the merits;
- ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.
- (Check either Item 3a or 3b)*
- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
- ☐ to be charged to Jones Day Deposit Account No. 50-3013.
- (Item 3b to be checked if any reference known for more than 3 months)*
4. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee. The Certification Statement in Item 5 below is applicable.
- The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:
- ☐ enclosed.
- ☒ to be charged to Jones Day Deposit Account No. 50-3013
5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)
- (Check either Item 5a or 5b)*
- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
6. ☐ This application is a continuation application under 37 C.F.R. §1.53(b) or (d).

(Check appropriate Items 6a, 6b and/or 6c)

- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. , filed on , of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. , filed on , and are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement. (Check Item 7a)
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:

(Check Item 8a, 8b, or 8c)

- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Jones Day Deposit Account No. 50-3013.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability and no representation is made that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,



Date: July 22, 2005

Rattan Nath
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

43,827

(Reg. No.)

**LIST OF REFERENCES CITED BY APPLICANT**
(Use several sheets if necessary)

ATTY. DOCKET NO.

10515-011-999

APPLICATION NO.

10/968,782

APPLICANT

Quackenbush et al.

FILING DATE

October 19, 2004

GROUP

3651

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A23					
	A24					
	A25					
	A26					
	A27					
	A28					
	A29					
	A30					
	A31					

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES NO
	B01					
	B02					
	B03					
	B04					
	B05					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

C03	Purnel, et al., Design and Development Airport Security Systems and Related Applications, April 24, 2001, p. 1-4
C04	Off-Line Baggage Processing, December 9, 2002
C05	Robert W. Poole, Jr., Aviation Security Newsletter, Issue No. 2, March 2003
C06	Airports Address Terminal Congestion With Remote Check-In, August 24, 2001

EXAMINER**DATE CONSIDERED**

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.